

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:

**ARNOLD RAYE BALDWIN
ANGELIA G. BALDWIN**

**11-81093
CHAPTER 13**

OBJECTION TO CONFIRMATION

COMES NOW Select Portfolio Servicing Servicer for The Bank of New York Mellon, f/k/a The Bank of New York Trust Company N.A., as successor to JPMorgan Chase Bank N.A. (f/k/a The Chase Manhattan Bank), as trustee for the holders of the GRMT Mortgage Pass-Through Certificates, Series 2001-1 ("Select Portfolio Servicing"), by and through undersigned Counsel, and hereby objects to the confirmation of the Debtors' plan. The objection is supported as follows:

1. The Debtors Arnold Raye Baldwin and Angelia G. Baldwin, filed their Chapter 13 bankruptcy on July 6, 2011, in the Middle District of North Carolina, Durham Division.
2. The petition lists Select Portfolio Servicing as having a secured claim on the Debtors' principal residence located at 524 Dixie Ave, Hillsborough, NC 27278.
3. The Plan attempts to cramdown Select Portfolio Servicing's claim to \$7,689.00 at a fixed interest rate of 5.25% to be paid during the life of the plan.
4. The Plan as proposed fails to comply with the provisions of 11 U.S.C. Sec. 1322(b)(2) and Sec. 1325.

WHEREFORE, Select Portfolio Servicing prays the Court grant the following relief:

1. Modify the plan to provide for payment of the post-petition payments and pre-petition arrears due to Select Portfolio Servicing at the contractual rate of interest;
2. In the alternative, deny confirmation of the Debtors' Plan for failure to comply with 11 U.S.C. Sec. 1322(b)(2) and Sec. 1325;
3. In the alternative, dismiss the Debtors' Chapter 13 Petition;
4. Grant Select Portfolio Servicing's attorney's fees of \$300 for this objection;
5. For such other and further relief as this Court deems just and proper.

This the 26th day of August, 2011

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for Creditor
Select Portfolio Servicing, Inc.
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
704/333-8107

11-017715

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NOTICE

TAKE NOTICE that an objection has been filed by Select Portfolio Servicing. A copy of the objection accompanies this notice.

TAKE FURTHER NOTICE that a hearing will be held on this objection. The Court will conduct a hearing and provide notice of the time, date and place of hearing.

Dated the 26th day of August, 2011.

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
Attorney for
Select Portfolio Servicing, Inc.
SHAPIRO & INGLE, L.L.P.
10130 Perimeter Parkway, Suite 400
Charlotte, NC 28216
(704) 333-8107

Address of Court:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

(Served via U.S. Mail)

Arnold Raye Baldwin and Angelia G. Baldwin
524 Dixie Ave
Hillsborough, NC 27278

(Served via U.S. Mail and Electronic Notification)

John T. Orcutt
6616-203 Six Forks Rd.
Raleigh, NC 27615

(Served via Electronic Notification Only)

Richard M. Hutson, II
302 East Pettigrew St., Suite B-140
P.O. Box 3613
Durham, NC 27702

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service or by electronic mail, if applicable. Any party that can be served by electronic mail will receive no other form of notice.

This the 26th day of August, 2011.

S/ Kimberly A. Sheek
Kimberly A. Sheek
N.C. State Bar No.: 34199
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